

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
SHERMAN DIVISION**

SECURITIES AND EXCHANGE
COMMISSION,

Plaintiff,

- v -

JOHN BRDA,
GEORGIOS PALIKARAS,

Defendants.

Civ. Action No. 4:24-cv-1048

Hon. Sean D. Jordan

**JOINT MOTION FOR BRIEFING SCHEDULE FOR DEFENDANTS’
MOTIONS TO DISMISS AND FOR LEAVE TO EXCEED PAGE LIMITS**

Plaintiff Securities and Exchange Commission (“Plaintiff”) and Defendants John Brda and Georgios Palikaras (collectively, “Defendants”) (Plaintiff and Defendants collectively “the Parties”) jointly request that the Court: (i) adopt the following proposal as to the briefing schedule for Motions to Dismiss; and (ii) grant the Parties leave to exceed the page limits set by Local Rule CV-7(a)(1). In support of their motion, the Parties state as follows:

1. Plaintiff filed the complaint on June 25, 2024 in the United States District Court for the Southern District of New York (“SDNY”). [ECF No. 1.] Plaintiff’s Complaint is forty-six pages and contains nearly 150 separate paragraphs of allegations and claims.

2. After waiving service, on August 8, 2024, Defendants filed motions to transfer this action to the United States District Court for the Eastern District of Texas pursuant to 28 U.S.C. § 1404(a). [ECF Nos. 17–19, 22–23.]

3. While the motions to transfer were pending, on October 10, 2024, Defendants sought leave to file motions to dismiss Plaintiff’s complaint by filing pre-motion letter [ECF Nos.

37–38], as required by the then presiding Judge Failla of the SDNY’s Individual Rules of Practice in Civil Cases. Further, in accordance with paragraph 4.A. of Judge Failla’s Individual Rules of Practice, the filing of the pre-motion letter concerning a motion to dismiss automatically stayed Defendants’ time to answer or otherwise move with respect to the complaint.¹

4. On November 18, 2024, Judge Failla of the SDNY granted Defendants’ motions to transfer this case to this District. [ECF No. 39.]

5. On November 26, 2024, this case was docketed in the Eastern District of Texas.

6. Defendants each intend to file a Motion to Dismiss in response to the complaint.

7. Plaintiff intends to file an omnibus opposition to Defendants’ Motions to Dismiss.

8. The Parties request that the Court adopt the following briefing schedule agreed to by the Parties:

a. Defendants’ Motions to Dismiss due January 17, 2025;

b. Plaintiff’s opposition due February 28, 2025; and

c. Defendants’ replies due March 21, 2025.

9. In addition, the Parties ask for leave to exceed the page limits set by Local Rule CV-7(a)(1):

a. Defendant Brda seeks a forty-page limit for his Motion to Dismiss;

b. Defendant Palikaras seeks a forty-page limit for his Motion to Dismiss;

c. Plaintiff seeks a fifty-page limit to its omnibus opposition to Defendants’ Motions to Dismiss; and

¹ Individual Rules of Practice in Civil Cases of Hon. Katherine Polk Failla, United States District Judge of the Southern District of New York (Oct. 1, 2024) *available at* https://www.nysd.uscourts.gov/sites/default/files/practice_documents/KPF%20Failla%20Civil%20Rules%20of%20Practice%20OPERATIVE%20VERSION%20as%20of%2010-1-2024.pdf.

d. Defendants each seek a fifteen-page limit for their respective reply briefs.

10. The Parties submit that the extra pages of briefing will aid the court in better understanding the allegations and legal issues relevant to the Motions to Dismiss.

WHEREFORE, for the foregoing reasons, the Parties respectfully request that the Court adopt the Parties proposed briefing schedule, grant the Parties leave to exceed the page limits set by set by Local Rule CV-7(a)(1), and any other relief to which they may be justly entitled.

Dated: December 10, 2024

U.S. SECURITIES AND EXCHANGE
COMMISSION

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CERTIFICATE OF CONFERENCE

On December 10, 2024, Plaintiff's and Defendants' conferred and indicated that they do not oppose the relief sought in the Motion. The Motion is therefore unopposed.

/s/ Jason S. Lewis

Jason S. Lewis

CERTIFICATE OF SERVICE

I certify that I served the foregoing brief on all counsel of record via the Court's CM/ECF system on December 10, 2024.

/s/ Jason S. Lewis

Jason S. Lewis